

REFERRALS

Center for Women & Children	(801) 473-8492
Children's Justice Center	(435) 615-3910
Division of Child & Family Services	(855) 323-3237
Domestic Violence Hotline	(800) 897-LINK
Park City Medical Center	(435) 658-7000
Park City Police Department	(435) 615-5500
Peace House Women' Shelter	(435) 647-9161
People's Health Clinic	(435) 333-1875
Summit County Attorney's Office	(435) 615-3828
Summit County Justice Court	(435) 615-3800
Summit County Sheriff's Office	(435) 615-3600
Summit County Justice Court	(435) 615-3800
Third District Court	(435) 615-4300
Utah Crisis Line	(888) 421-1100
Utah Legal Services	(800) 662-4245
Utah Office for Victims of Crime	(800) 621-7444
Utah Rape Recovery Center	(801) 467-7273
Valley Mental Health	(435) 649-9079
Dept. of Workforce Services	(435) 649-8451



SUMMIT COUNTY VICTIM ASSISTANCE



HELPING VICTIMS PREVAIL OVER THE TRAUMA OF THEIR VICTIMIZATION BY ASSISTING & ADVOCATING FOR SAFETY,

CHAMPIONING DIGNITY AND COMPASSION FOR VICTIMS OF CRIME

EDUCATION AND ADVOCACY THROUGHOUT THE CRIMINAL JUSTICE SYSTEM

A COLLABORATIVE CONTINUUM OF CARE VIA APPROPRIATE REFERRALS TO COMMUNITY AGENCIES AND RESOURCES

PRO-ACTIVE CRISIS INTERVENTION TO STABILIZE AND PROVIDE COMPASSIONATE AID

6300 Justice Center Road, #5
Park City, UT 84098
Office: (435) 615-3850
Fax: (435) 615-3852
mprobst@summitcounty.org
Office Hours M-F 8:30-5:00
www.scvap.org

VINE: VICTIM INFORMATION AND NOTIFICATION EVERYDAY

VINE provides automated telephone notification of an offender's status in jail or prison that may alert victims of the need to take extra precautions when an offender is released from jail or prison. Any person may register for this free notification service by calling 1-877-UT-4-VINE.

CONDITIONS FOR RELEASE AFTER ARREST FOR DOMESTIC VIOLENCE

- (1) (a) Upon arrest for domestic violence, and before the person is released on bail, recognizance, or otherwise, the person may not personally contact the alleged victim of domestic violence.
(b) A person who violates Subsection (1)(a) is guilty of a class B misdemeanor.
- (2) Upon arrest for domestic violence, a person may not be released on bail, recognizance, or otherwise prior to the close of the next court day following the arrest, unless as a condition of that release the person is ordered by the court or agrees in writing that until further order of the court, the person will:
 - (a) have no personal contact with the alleged victim;
 - (b) not threaten or harass the alleged victim; and
 - (c) not knowingly enter onto the premises of the alleged victim's residence or any premises temporarily occupied by the alleged victim.
- (3) (a) The jail release agreement or jail release court order expires at midnight on the day on which the person arrested appears in person or by video for arraignment or an initial appearance.
(B) If criminal charges are filed against the arrested person within the three business days under Subsection (3)(b)(ii)(A), the jail release agreement or the jail release court order continues in effect until the arrested person appears in person or by video at the arrested person's next scheduled court appearance.
(c) If criminal charges have been filed against the arrested person the court may, upon the request of the prosecutor or the victim or upon the court's own motion, issue a pretrial protective order.
(4) As a condition of release, the court may order the defendant to participate in an electronic or other monitoring program and to pay the costs associated with the program.
- (5) (a) Subsequent to an arrest for domestic violence, an alleged victim may waive in writing any or all of the release conditions described in Subsection (2)(a) or (c). Upon waiver, those release conditions do not apply to the alleged perpetrator.
(b) A court or magistrate may modify the release conditions described in Subsection (2)(a) or (c), in writing or on the record, and only for good cause shown.

VICTIM AND WITNESS BILL OF RIGHTS

The Utah Legislature has passed a number of provisions in a continuing attempt to afford victims the rights they deserve. In 1994 numerous groups and citizens rallied together to support and pass a Victims' Rights Amendment to the state constitution. These efforts have culminated in working toward the end result we all are striving to reach, "balancing the scales of justice."

A summary of those rights are as follows:

1. Victims have the right "to be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process."
2. Victims have rights in relation to "important criminal justice hearings" which include preliminary hearings, arraignments, disposition of charges, conditions of release/bail hearings, trials, sentencing hearings, and parole hearings.
 - a) Victims have the right, upon request, to be informed of all important criminal justice hearings.
 - b) Victims have the right to be present at and to be heard at arraignments, disposition of charges, conditions of release/bail hearings, and sentencing hearings.
 - c) Victims have the right to be present at (but not to be heard at) preliminary hearings and trials.
 - d) These rights apply to all felonies in adult courts and to juvenile cases involving offenses that would be felonies if committed by an adult.
3. Victims and witnesses have the right to reasonable employer intercession services to minimize loss of pay and benefits.
4. Victims and witnesses have the right to be informed as to the level of protection available to protect them from intimidation and harm.
5. Victims and witnesses have the right to a secure waiting area that does not require them to be in close proximity to defendants and offenders.
6. Victims have a right to privacy and should not be forced to disclose their address, telephone number, place of employment, or other locating information, without compelling reason.
7. Victims have the right to have a sentencing judge, for the purpose of imposing an appropriate sentence, receive and consider reliable information concerning the background, character and conduct of those convicted.
8. Victims have the right to restitution when appropriate and may also be eligible for reparations.
9. Victims have a right to a speedy trial and disposition of charges.
Additional Rights for Children
 1. The right to have interviews relating to a criminal prosecution kept to a minimum.
 2. The right to be questioned in a manner that is appropriate to the child's age and understanding. The right not to be questioned in a manner that implies they are responsible for the inappropriate behavior of adults.
 3. The right to protection from physical and emotional abuse during their involvement with the criminal justice process.
 4. The right to be informed of available community resources and how to gain access to those resources.

ONLINE COURT ASSISTANCE

The Online Court Assistance Program (OCAP) is a valuable resource enabling individuals the capability to fill out orders of protection on the internet. With a simple question and answer format, court documents can be produced in the petitioner's own home at their convenience.

The following link will direct you to the State's OCAP. Once you have answered all of the questions, print all the documents and take the completed paperwork the **Third District Court, 6300 Justice Center Rd.**, located off the I-40 Silver Summit Exit in Park City. You will need picture ID (DL) and must sign the petition in front of the court clerks between 8:00 am and 5:00 pm, M-F. They will submit it to the judge to review. If the judge signs the temporary (ex parte) order, an advocate will prepare it for service via law enforcement. You must provide a current, physical address (home and/or work) for the respondent (perpetrator) to enable service.

Protective Order

Protective Order on Behalf of a Child
Dating Violence Protective Order
Civil Stalking Injunction

<http://www.utcourts.gov/ocap>



ABOUT US

As prosecuting agency victim advocates, the Summit County Victim Advocates provide support to victims and witness of crime as their offender proceeds through the criminal justice system. This support includes the following:

- Notify victims within 7 days of the filing of charges against offenders being charged with a felony
- Attend court hearings and provide feedback of outcomes
- Prepare victims for court and assist in writing victim impact statements
- Register victims with the State Board of Pardons for future notifications following an offenders prison sentence

In addition, our advocates assist victims with non-judicial matters such as:

- Safety plans
- Screen clients for eligibility and suitability of orders of protection and assist in filing and service of orders
- Arrange for legal representation (victims of domestic violence), reparations/restitution, counseling, and other referrals as needed (Women & Children's Shelter, Children's Justice Center assistance, etc.)

CRIMINAL CASE PROCEDURES

First Appearance: This step applies only to felony cases; skip to number three if you are interested in misdemeanor cases. At the first appearance, the defendant will be formally notified of the charges and may be advised of his/her rights by a magistrate. A date is set for a preliminary hearing, which the defendant may waive. In felony cases, no plea is entered at this stage.

Preliminary Hearing: The purpose of a preliminary hearing is to determine: whether probable cause exists to show the crime was committed, and whether probable cause exists to show the defendant was the person who committed the crime. At the hearing, the judge listens to witnesses' testimony and evidence. If the judge finds probable cause that the defendant committed the crime, the defendant is then bound over for trial. If the judge concludes there is insufficient evidence, the case is dismissed. Charges may be amended at the preliminary hearing.

Arraignment: The judge reads the information to the defendant, who must enter a plea. If the plea is "guilty," the defendant will be scheduled for sentencing. If the plea is "not guilty," a pretrial conference and trial dates are usually scheduled. A "not guilty" plea preserves all of the defendant's options. There are also two other types of pleas:

No Contest: This has the same procedural effect as a guilty plea, but rather than admitting guilt, the defendant admits that the prosecutor would likely prevail at trial. Some judges will not accept this plea.

Alford plea: This plea may be used when the defendant wants the advantage of a plea bargain, but cannot or will not admit guilt. Instead, the defendant pleads to avoid the potential consequences of going to trial, and pleads without admitting guilt. Some judges will not approve this type of plea.

Pre-Trial Motions: Before a trial begins, the prosecution and defense may file any number of motions with the court. A motion is a formal request to a judge to issue an order. These may include motions to suppress a defendant's prior convictions, motions to suppress evidence, or requests for discovery. If a defendant would like to file a motion, it must be done five days before the trial and must be in writing. All motions should be heard and decided by the judge before a trial can proceed.

Pre-Trial Conference: At its discretion, the trial court may hold a pre-trial conference in which the prosecutor and defense attorney attempt to negotiate settlement of the case. A judge may refuse to approve a proposed settlement. Cases not settled are set for trial.

Plea-Bargaining: In this process, the prosecutor and defense attorney negotiate a mutually satisfactory disposition of the case. The judge does not participate in the plea bargaining process, but must approve the proposed disposition. The defendant also must approve the plea bargain. If all parties accept the plea bargain, and the defendant enters a guilty plea, the next step is the defendant's sentencing.

TRIAL PROCEDURES

Depending on the type of action, a case may be tried before a judge (bench trial) or before a jury with a judge presiding. Whether the case is civil or criminal, or tried by a judge or jury, the procedure is essentially the same.

Jury Selection: At the trial's beginning, the clerk calls a panel of prospective jurors. The judge or, in some cases, the lawyers, ask the potential jurors questions about their background and general beliefs to determine any biases or prejudices. This process is called "voir dire." If any attorney or judge feels that a juror is not qualified for the case, the juror is excused for cause. There is no limit to a party's challenges for cause. Both sides are also entitled to a certain number of peremptory challenges, which means they may excuse some prospective jurors without stating any reasons (unless the motives appear racially motivated).

Opening Statement: Attorneys for each side make statements to inform the court and jurors of the nature of the case, the evidence they will present, and the facts they expect to prove. The defense may choose to wait to make an opening statement until after the prosecution has rested its case, or may choose not to make one.

Prosecution Evidence/Witnesses: Each side makes its case based on testimony from witnesses and physical evidence. The prosecutor/plaintiffs call their witnesses for direct examination to state what they know about the alleged crime or injury. The defense may ask questions of the same witnesses (cross-examination). Then the prosecutors/plaintiffs may re-examine their witnesses (re-direct). Physical evidence, such as documents, pictures and other exhibits, is also introduced.

Defense Evidence/Witnesses: After the prosecution has rested its case, the defense may call witnesses to give testimony to disprove the prosecutor's/plaintiff's case and to establish the defendant's case. The prosecutor/plaintiff may cross-examine the witnesses. The defense may then re-examine its witnesses.

Rebuttal: When the defense has presented all its witnesses, the prosecutor/plaintiff may again call witnesses to rebut any new information introduced by defense witnesses. The judge may allow surrebuttal (a rebuttal to the rebuttal) by the defense.

Jury Instructions: Before closing arguments, the judge will instruct jurors carefully as to what law they are to follow. In civil cases, the jury must determine that a preponderance of the evidence favors one party. In criminal cases, the defendant must be found guilty beyond a reasonable doubt to be convicted.

Closing Argument: After jury instructions are given, both attorneys summarize the evidence and testimony in an effort to persuade the judge or jury to decide the case in favor of their client. The prosecution makes its closing argument first, then the defense, and then the prosecution responds to the defense's closing argument. Either side may waive closing arguments.

Jury Deliberations: After closing arguments, the court orders the jury to retire to the jury room for deliberations.

Verdict: In criminal cases, a verdict must be unanimous and must be given in open court with the defendant present, unless he chooses not to be.

For criminal cases there are four possible verdicts: guilty, not guilty, not guilty by reason of insanity, or guilty and mentally ill. If the jury cannot agree on a verdict, the judge may declare a "hung" jury, declare a mistrial, and order a new trial.

Sentencing/Judgment: In a criminal case, after a verdict of guilty or a plea of guilty, the defendant has the right to be sentenced in no fewer than two nor any more than 30 days following conviction. If the defendant chooses, he or she may waive that time and may be sentenced on the day of conviction.